



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/734,834

12/11/2000

Jacck Szyszko

10559-369001 / P10175

4725

20985

7590

09/27/2006

FISH & RICHARDSON, PC

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

TRAN, ELLEN C

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/734,834

Applicant(s)

SZYSZKO, JACEK

Examiner

Ellen C. Tran

Art Unit

2134

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED _____ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: no arguments or amendment was presented that overcome the Final Office Action rejection mailed 12 July 2006.

In response to Applicant's argument on page 3, "the Office action asserts that it would have been obvious to one of ordinary skill in the art to replace message lifetime of the Li patent with the sequence number taught by the OSPF reference in order to obtain the "first sequence identifier" and "second sequence identifier" ... Applicants respectfully disagree". The Examiner maintains that it would have been obvious to combine the two references. The OSPF protocol is referenced in the Li patent in addition the message lifetime is an obvious variation of sequence numbers.

In response to Applicant's argument on page 3, "It would not have been obvious to one of ordinary skill in the art nor would it have made any sense to replace the message lifetime of Li patent with a sequence number as defined by the OSPF reference ... whereas the message lifetimes of the Li patent indicate whether or not the originator of a Group Request message intends to join or leave a multicast session. Clearly the function and intended use of message lifetime as disclosed in Li patent, are entirely different and separate from the function and intended use of sequence numbers in the OSPF reference". The Examiner maintains that it obvious to combine the two references as pointed out by Li. Furthermore the Examiner the sequence identifier claimed by applicant has the same function as the lifetime of the key used in the messages of the Li patent.

In response to Applicant's argument beginning on page 3, "Applicants further submit that additional assertions made by the Office action are incorrect. In particular, the Office action alleges that column 10, lines 6-13 and col. 11, lines 27-33 of the Li patent disclose the claimed first message containing a digest of routing information that has been calculated using a first authentication key. Applicant respectfully disagree ... Clearly, the two section of the Li patent are referring to different messages sent within the network ... Although the Group Refresh message uses a shared private key for encryption, it does not contain a digest of routing information that has been calculated using a first authentication key". The Examiner disagrees and notes the reference, as a whole should be reviewed. The Li patent teaches that as messages are transferred through brokers each broker appends their own address and signature to the announcement, in addition the broker distributes the announcement to the group encrypting by using the shared private-key, note encryption inherently is the same meaning as 'calculated' in the claim.

In response to Applicant's argument on page 4, "Similarly, although the Rekey Announcement includes the address of each security broker that receives the announcement the address are not calculated using a first authentication key". The Examiner disagrees with argument and notes the argument does not make sense. Li teaches that the security broker appends their own address information to announcements. In col. 11, lines 27-33 Li teaches that when sending a Rekey Announcement that this address information is encrypted using the private-key. As noted above the Rekey Announcement is encrypted, encryption has the same meaning as calculated for the purposes of the Rekey Announcement. As pointed out by applicant these are two different messages, however the Rekey Announcement that is distributed to the group is encrypted using the private-key, i.e. first key and since it is routed from a broker contains a digest of routing information.

In response to Applicant's argument on page 4, "Moreover, neither the Rekey Announcement nor the Group Refresh message includes the claimed first sequence identifier or even a message lifetime, which the Office action asserts is an obvious variation of a sequence number". The Examiner disagrees with argument and notes the entire references should be looked at in combination. Li teaches the security domains utilize well-known routing protocol such as OSPF. OSPF teaches sequence numbers, furthermore Li teaches the lifetime is sent in a group request message sent to a security broker in col. 12, lines 8-16, the Group Request messages are indicated in col. 9, lines 27-43 of Li, Group Request messages are received by security brokers, and the above reply are sent as indicated above.